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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,701	03/09/2001	David Greene	1991-00100	6900
23505	7590	10/16/2009		
CONLEY ROSE, P.C. David A. Rose P. O. BOX 3267 HOUSTON, TX 77253-3267			EXAMINER KARMIS, STEFANOS	
			ART UNIT 3693	PAPER NUMBER
			NOTIFICATION DATE 10/16/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pathou@conleyrose.com

Office Action Summary

Application No.

09/802,701

Applicant(s)

GREENE ET AL.

Examiner

STEFANOS KARMIS

Art Unit

3693

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-14, and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the amendment filed 29 June 2009.

Status of Claims

2. Claims 1 and 8 are currently amended. Claims 1-5, 8-14 and 16-18 are currently pending.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 June 2009 has been entered.

Response to Arguments

4. Regarding claims 1-5 and 8-14, The Board of Patent Appeals and Interferences found that Applicant failed to show that the Examiner erred in the rejection. In response, Applicant has amended independent claims 1 and claim 8. The rejection of these claims is addressed below. Examiner notes that the amendment to claims 1 and 8 failed to incorporate the elements of claims 16 and the details that were discussed by The Board of Patent Appeals and Interferences. Amending the claim 1 and 8 to include the full principalling process of claim 16 would overcome the prior art cited as well as the new art cited in this action. However, as written,

claims 1 and 8 stand rejected as stated below and as discussed in the decisions by The Board of Patent Appeals and Interferences.

5. Regarding claims 16-18, these claims are allowed in view of the decision by The Board of Patent Appeals and Interferences mailed 28 April 2009.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace et al. (hereinafter Wallace) U.S. Patent 6,968,317 in view of Musmanno et al. (hereinafter Musmanno) U.S. Patent 6,108,641 in further view of O'Shaughnessy U.S. Patent 6,484,151 in further view of Bursey et al. (hereinafter Bursey) U.S. Patent 7,356,497.

Regarding claims 1 and 8, Wallace teaches a method of securing an ownership interest in a publicly traded corporation wherein the method comprises: receiving a request to open a brokerage account and remotely providing account application information to an online brokerage (column 9, lines 7-36 and column 11, lines 3-16); electronically signing an account agreement authorizing the establishment of an online brokerage account with said online

brokerage and opening the online brokerage account (column 2, lines 16-27 and column 9, lines 57-67 and column 11, lines 3-16); and authorizing a transfer of investment funds to said online brokerage account (column 11, lines 3-16).

Wallace fails to teach that the authorization is for a real-time transfer of funds. Musmanno teaches a computer system for managing a plurality of accounts each of the account being separated into a master account and at least one subaccount to provide and improved brokerage/cash management system (column 2, lines 10-11 and column 6, lines 30-38). Musmanno teaches an account agreement (column 3, lines 23-55) and authorizing real-time transfers of funds into the brokerage account (column 2, line 67 thru column 3, line 19 and column 5, lines 40-49).

Wallace and Musmanno fail to teach placing an online order using an abbreviation associated with said publicly traded corporation. O'Shaughnessy teaches a system and method for purchasing stocks over a computer network in which an online trading order uses an abbreviation associated with a publicly traded corporation (column 10, lines 39-63 and Table 3).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the funding teachings of Wallace and include that the authorization be for a real-time transfer of funds as taught by Musmanno because it expedites the funding process and allows a user to begin use of the account. Furthermore, Wallace teaches wiring money from another account and transferring funds from another account (column 11, lines 12-16) as does Musmanno for the real-time authorization of fund transfers. It also would have been obvious to modify the teachings of Wallace and Musmanno to include the teachings of O'Shaughnessy because Wallace teaches that after the account is setup a customer is able to

trade securities (column 13, lines 44-53) and Musmanno teaches a brokerage account (column 2, lines 10-11 and column 6, lines 30-38) and the use of abbreviations associated with publicly traded corporations is an efficient and common method of designating specific stocks/securities purchased from brokerage accounts.

Wallace in view of Musmanno in further view of O'Shaughnessy fails to teach a principal being involved in the approval of the brokerage accounts and obtaining individual status or passwords from the principal.

Bursey teaches a procedure for opening a new brokerage account in which a principal approves brokerage accounts (column 5, lines 10-27). Bursey teaches obtaining an account type selection (column 4, lines 25-48 and column 5, lines 43-53; Examiner notes that type and terms of the account are selected and then send to the brokerage operations manager to review the type and terms of the account when determining whether to approve the account). Bursey further teaches obtaining from the at least one principal an individual status designation for each of the brokerage accounts listed, wherein said designation is indicative of acceptance or non-acceptance of the new brokerage accounts (column 5, lines 43-53 and column 8, lines 7-31 and column 8, lines 41-58; Examiner notes that the manager updates the accounting indicating the account is approved or returns the applications if the account is not approved). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Wallace, Musmanno, and O'Shaughnessy to include the teachings of Bursey for performing a principalling process because it provides a higher authority for authorizing the account, thus providing more security that the accounts will not be fraudulent and that the customers are deserving of such accounts.

Claim 2, wherein the transfer of funds is an automated clearinghouse transfer from a checking account (column 11, lines 12-16).

Claim 3, Wallace teaches that the real-time transfer of funds includes transferring of funds from other accounts (column 11, lines 12-16). Wallace fails to specifically teach the other accounts are credit card accounts. Official Notice is taken that transferring fund from a credit card account is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Wallace and specify that the transferring of funds is from a credit card account because it is an efficient and common account customers use for payment in funding during transactions.

Claims 4 and 5, Wallace teaches that electronically signing includes: possessing authority to contract on behalf of a named individual and the account agreement specifies said named individual (column 12, lines 5-16 and column 2, lines 16-27 and column 9, lines 7-24). Wallace also teaches that the customer can disagree with the account application (column 12, lines 5-16). Wallace fails to specify that the agreement indicator is displayed adjacent to the account agreement. Official Notice is taken that an agreement indicator displayed adjacent to an account agreement is obvious and well known in the financial arts. Wallace teaches a webpage or email is used to send an account agreement to the customer and also allow the customer to sign the agreement (column 9, lines 57 thru column 10, line 8 and column 11, lines 3-32). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to place

the name adjacent to the agreement since they are contained on the same webpage or the same email since it provides an efficient layout for interaction with a customer.

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Wallace for obtaining a password from the system to specify that the principal assigns the password because as taught by Bursey the principal is the one that approves the account and the password is assigned after approval of the account.

Claims 9 and 10, Wallace teaches the account opening process further includes: displaying a confirmation page indicating successful completion of the account opening process (column 13, lines 44-53). Wallace further teaches the transfer of funds is an automated clearinghouse transfer from a checking account (column 11, lines 12-16). Wallace fails to teach that the confirmation and transfer is for a real-time transfer of funds. Musmanno teaches a computer system for managing a plurality of accounts each of the account being separated into a master account and at least one subaccount to provide and improved brokerage/cash management system (column 2, lines 10-11 and column 6, lines 30-38). Musmanno teaches an account agreement (column 3, lines 23-55) and authorizing real-time transfers of funds into the brokerage account (column 2, line 67 thru column 3, line 19 and column 5, lines 40-49). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the funding teachings of Wallace and include that the authorization be for a real-time transfer of funds as taught by Musmanno because it expedites the funding process and allows a user to begin use of the account. Furthermore, Wallace teaches wiring money from another account and

transferring funds from another account (column 11, lines 12-16) as does Musmanno for the real-time authorization of fund transfers.

Claim 11, Wallace teaches that the real-time transfer of funds includes transferring of funds from other accounts (column 11, lines 12-16). Wallace fails to specifically teach the other accounts are credit card accounts. Official Notice is taken that transferring fund from a credit card account is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Wallace and specify that the transferring of funds is from a credit card account because it is an efficient and common account customers use for payment in funding during transactions.

Claim 12, wherein said securing is accomplished by an electronic signature column 2, lines 16-27).

Claim 13, Wallace teaches that electronically signing includes: possessing authority to contract on behalf of a named individual and the account agreement specifies said named individual (column 12, lines 5-16 and column 2, lines 16-27 and column 9, lines 7-24). Wallace also teaches that the customer can disagree with the account application (column 12, lines 5-16). Wallace fails to teach the electronic signature contains a section labeled "I Agree." Official Notice is taken that an agreement label for electronic agreements is old and known in the financial arts. Wallace teaches a webpage or email is used to send an account agreement to the customer and also allow the customer to sign the agreement (column 9, lines 57 thru column 10,

line 8 and column 11, lines 3-32). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to specify an "I Agree" button for an electronic signature because it is an obvious manner for a user to communicate an acceptance via a webpage or email and it provides for an efficient and clear interaction with a customer.

Claim 14, wherein the web page templates are further configured to implement a trading order placement process (column 13, lines 44-53).

Allowable Subject Matter

8. Claims 16-18 are allowed.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEFANOS KARMIS whose telephone number is (571)272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
/Stefanos Karmis/
Primary Examiner, Art Unit 3693
14 October 2009